THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1997 of 2006

02.2.2006

Between:

Mrs.D.Veera Naga Kumari, W/o.D.Rathna Anjaneyulu

... Petitioner

AND

The District Collector (Panchayat Wing),

Krishna District at Machilipatnam

And another

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1997 of 2006

ORDER:

The petitioner was elected as Sarpanch of Tarakatur Gram Panchayat of Gudur Mandal in Krishna District in August 2001. On certain allegations that he committed acts of malfeasance and misfeasance in drawing and spending panchayat funds, the first respondent by an order dated 02.8.2005 suspended the petitioner for a period of three months as per Section 249(6) of the A.P. Panchayat Raj Act, 1994 (the Act, for brevity). This order is assailed in the writ petition, after expiry of period of three months for which the suspension was to be in force. It is contended that the impugned order is issued without providing any opportunity to give reply to the show cause notice. It is also contended that the first respondent came to the conclusion that the allegations are proved and if the said observation is allowed, the first respondent may even pass orders under Section 249(1) of the Act for removal, without following the procedure.

At the stage of admission itself, the learned Assistant Government Pleader for Panchayat Raj submits that initially the petitioner was suspended for a period of three months and subsequently the suspension was extended by the government for a period of three months by issuing orders. He also submits that even the extended

period of suspension is over, and therefore, the matter is placed before the District Collector for appropriate orders either for reinstatement of the petitioner or for initiation action for removal of the petitioner from the office of the sarpanch.

As rightly pointed out, the District Collector is competent to suspend a sarpanch for a period of three months. This period can be extended by the Government for another period of three months and if, in the mean while, a person is not removed from the office of the sarpanch, after expiry of the period of six months, the person has to be reinstated as sarpanch. Even if there is a proposal to initiate action under Section 249(1) of the Act, the case of the petitioner for being reinstated has to be considered. As the order impugned in this writ petition is no more in force, this writ petition is misconceived.

The writ petition, with the above observations, is disposed of. No costs.

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(**V.V.S. RAO,J**)

February 02, 2006.

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